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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ANTHONY SNEED,
Petitioner,
v.
A. P. KANE, warden,
Respondent.

No. C 05-4109 SI (pr)

**ORDER DISMISSING HABEAS
PETITION**

In 2004, the Board of Prison Terms (now known at the Board of Parole Hearings ("BPH")) held a hearing and found Anthony Sneed suitable for parole. On December 30, 2004, Governor Arnold Schwarzenegger reversed the BPH's decision and found Sneed not suitable for parole. Sneed then filed a *pro se* petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 challenging Governor Schwarzenegger's decision. This court denied the petition. The U.S. Court of Appeals for the Ninth Circuit "reverse[d] the district court and remand[ed] with instructions to grant the writ." *Sneed v. Kane*, 9th Cir. No. 07-15061, 8/2/10 unpublished mem. disp. at 2. A petition for panel rehearing and for rehearing *en banc* was denied by the Ninth Circuit in an order filed November 12, 2010. The Ninth Circuit issued the mandate on November 22, 2010. The clerk of this court sent a letter to spread the mandate on November 30, 2010.

Pursuant to the Ninth Circuit's decision, on December 1, 2010, this court granted the petition for writ of habeas corpus and ordered that the BPH's 2004 decision finding Sneed suitable for parole be reinstated and implemented. Docket # 26. Sneed was released on parole on January 13, 2011. Docket # 28.

1 On June 9, 2015, the Ninth Circuit filed another order stating that, after this court granted
2 the habeas petition and Sneed was released, the U.S. Supreme Court vacated the Ninth Circuit's
3 judgment and remanded the case for further consideration in light of *Swarthout v. Cooke*, 562
4 U.S. 216 (2011) (per curiam). *Sneed v. Kane*, 9th Cir. No. 07-15061, 6/9/15 unpublished mem.
5 disp. at 1. The Ninth Circuit remanded the case "to the district court with instructions to vacate
6 its order granting habeas corpus relief and dismiss the habeas petition." *Id.* The memorandum
7 disposition also acted as the mandate of the Ninth Circuit. *Id.* at 2.

8 Accordingly,

- 9 1. The clerk shall reopen this case.
10 2. The December 1, 2010 order granting habeas petition (Docket # 26) is VACATED.
11 3. The petition for writ of habeas corpus is DISMISSED.
12 4. The clerk shall enter judgment and then close the file.

13 IT IS SO ORDERED.

14 DATED: June 24, 2015



SUSAN ILLSTON
United States District Judge

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